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10/083,121	02/27/2002	Hiroshi Tsuda	826,1792	3398
21171	7590	12/20/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			NGUYEN, CINDY	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Offic Action Summary</b>	Applicati n N .	Applicant(s)
	10/083,121 Examin r Cindy Nguyen	TSUDA, HIROSHI Art Unit 2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Peri od for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09/28/04.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disp sition of Claims

- 4) Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-54 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Pri ority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

This is in response to amendments filed 09/28/04.

### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

'Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.'

Claims 1, 10, 22, 33, 39, 40, 54 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

Regarding Claims 1, 10, 22, 33, 39, 40-44 and 54. The method is not being accomplished by the network rather the documents used by the method are stored in a network. Also, Further, it is not clear whether the network in question is a computer network, all the recited steps can be performed by use of a pencil and paper.

As per claims 2-9, 11-21, 23-25, 34-38 , 46-49, these claims depend from claims 1, 10, 22, 33 and 44 respectively and are therefore rejected.

**1. *Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. *Claims 1-9, 26-30, 41, 44-51 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edlund et al. (US 6546388) (Edlund) in view of Suzuoka et al. (US 5933832) (Suzuoka).***

Regarding claims 1, 26 and 41, Edlund discloses: a popularity degree calculation method and a computer-readable storage medium that stores a program, and a computer data signal embodied in a carrier wave for calculating a popularity degree indicating the height of a popularity of a document in a network, comprising: calculating the popularity degree for one of the extracted documents based on information about relations of said particular one referencing to the other extracted documents and of said particular one referenced by the other extracted

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documents (col. 10, lines 5 to col. 11, lines 8, Edlund). However, Edlund didn't disclose: extracting the document updated or collected during a first time period. On the other hand, Suzuoka discloses: extracting the documents updated or collected during a first time period (col. 4, lines 35-48, Suzuoka). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the step for extracting the document updated or collected during a first time period in the system of Fujii as taught by Suzuoka. The motivation being providing a retrieval system for preparing a database on the basis of data collected using a robot on a network and performing update frequency range so manage the database depending on the degrees of popularity (col. 2, lines 5-34, Suzuoka).

Regarding claim 2, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Edlund / Suzuoka discloses: wherein the popularity degree is calculated based on both a link relation of each of the extracted documents and document location information indicating a location in the network of each of the documents (col. 10, lines 58 to col. 11, lines 5, Edlund).

Regarding claim 3, all the limitations of this claim have been noted in the rejection of claim 2 above. In addition, Edlund / Suzuoka discloses: wherein the popularity degree is calculated based on features of a character string describing the document location information (col. 9, lines 25-50, Edlund).

Regarding claim 4, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Edlund / Suzuoka discloses: further comprising: calculating a popularity transition degree indicating both a direction and a degree of transition of the popularity degree for each of the extracted documents (col. 6, lines 64 to col. 7, lines 4, Edlund).

Regarding claim 44, all the limitations of this claim have been noted in the rejection of claim 1. It is therefore rejected as set forth above.

Regarding claims 5, 27 and 45, all the limitations of these claims have been noted in the rejection of claims 4, 26 and 44 above. In addition, Edlund / Suzuoka discloses: wherein the popularity transition degree is calculated based on a popularity degree calculated during a second time period (col. 4, lines 35-47, Suzuoka).

Regarding claims 6, 28 and 46, all the limitations of these claims have been noted in the rejection of claims 4, 26 and 44 above. In addition, Edlund / Suzuoka discloses: further comprising: calculating a regression equation against a time of the popularity degree calculated during the second time period (col. 7, lines 35-7, Suzuoka).

Regarding claims 7, 29 and 47, all the limitations of these claims have been noted in the rejection of claims 6, 28 and 46 above. In addition, Edlund / Suzuoka discloses: wherein the popularity transition degree is calculated based on a regression coefficient of the regression equation (col. 7, lines 45-55, Suzuoka).

Regarding claims 50 and 51, all the limitations of these claims have been noted in the rejection of claims 1 and 5. It is therefore rejected as set forth above.

Regarding claims 8, 30, 48 and 53, all the limitations of these claims have been noted in the rejection of claims 7, 29, 47 and 51 above. In addition, Edlund / Suzuoka discloses: further comprising determining transition tendency against the time of the popularity degree, based on an intercept of the regression equation (col. 7, lines 45-55, Suzuoka).

Regarding claims 9 and 49, all the limitations of these claims have been noted in the rejection of claims 4 and 44 above. In addition, Edlund / Suzuoka discloses: further comprising: determining an order of each document in the extracted documents, based on the popularity degree calculated during the second time period (col. 5, lines 20-34, Suzuoka).

**3. Claims 10-17, 19-25, 31-40, 42, 43 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edlund et al. (US 6546388) (Edlund) in view of Mukai (U.S 6446095).**

Regarding claims 10, 31 and 42, Edlund discloses: a document relation judgment method a computer-readable storage medium that stores a program and a computer data signal embodied in a carrier wave for judging a relation between documents in a network, comprising: extracting link information from a first document (col. 9, lines 25-32, Edlund); evaluating a relation degree based on a result of comparison between a predetermined character string constituting the link information associated with the first document and character strings constituting link information associated with a second document (col. 10, lines 5 to col. 11, lines 6, Edlund). However, Edlund didn't disclose: judging whether a second document linked to by the first document is a non-text document related to contents of the first document, based on the link relation. On the other hand, Mukai discloses: judging whether a second document linked to by the first document is a non-text document related to contents of the first document, based on the link relation (col. 4, lines 55 to col. 5, lines 21, Mukai). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the document is a non-text document related to contents of the first document, based on the link relation in the system of Fujii as taught by Mukai. The motivation being enabling the document gains documents of texts and link

data such as images and sounds stored in the document storage connected to the document gain by a network (col. 4, lines 55 to col. 5, lines 21, Mukai).

Regarding claim 11, all the limitations of this claim have been noted in the rejection of claim 10 above. In addition, Edlund/Mukai discloses: further comprising: extracting a character string located in the vicinity of a part which the first document is linking to the second document, from the first document (col. 9, lines 35-65, Edlund), wherein it is judged whether the second document is the non-text document related to the contents of the first document, based on the character string (col. 7, lines 15-40, Mukai).

Regarding claim 12, all the limitations of this claim have been noted in the rejection of claim 11 above. In addition, Edlund/Mukai discloses: wherein if the character string includes a specific character string, it is determined that the second document is the non-text document related to the contents of the first document (col. 4, lines 15-40, Mukai).

Regarding claim 13, all the limitations of this claim have been noted in the rejection of claim 10 above. In addition, Edlund/Mukai discloses: wherein it is judged whether the second document is the non-text document related to the contents of the first document, based on an extension of a file name of the second document (col. 7, lines 40-63, Mukai).

Regarding claim 14, all the limitations of this claim have been noted in the rejection of claim 13 above. In addition, Edlund/Mukai discloses: wherein if the extension is not a specific extension, it is determined that the second document is not the non-text document related to the contents of the first document (col. 7, lines 40-63, Mukai).

Regarding claim 15, all the limitations of this claim have been noted in the rejection of claim 10 above. In addition, Edlund/Mukai discloses: wherein it is judged whether the second document is the non-text document related to the contents of the first document, based on whether the second document is used a prescribed number of times or more in the first document (col. 7, lines 25-63, Mukai).

Regarding claim 16, all the limitations of this claim have been noted in the rejection of claim 15 above. In addition, Edlund/Mukai discloses: wherein if the second document is used the prescribed number of times or more in the first document, it is determined that the second document is not the non-text document related to the contents of the first document (col. 7, lines 15-40, Mukai).

Regarding claim 17, all the limitations of this claim have been noted in the rejection of claim 15 above. In addition, Edlund/Mukai discloses: wherein if the second document is used less than the prescribed number of times in the first document, it is determined that the second document is the non-text document related to the contents of the first document (col. 7, lines 15-40, Mukai).

Regarding claim 19, all the limitations of this claim have been noted in the rejection of claim 10 above. In addition, Edlund/Mukai discloses: further comprising judging, if there is a fourth document linked to by the second document, whether the second document is the non-text document related to the contents of the first document, based on both document location information about the first document indicating location in the network of the document and document location information about the second document (col. 4, lines 55 to col. 5, lines 11, Mukai).

Regarding claim 20, all the limitations of this claim have been noted in the rejection of claim 19 above. In addition, Edlund/Mukai discloses: wherein it is judged whether the second document is the non-text document related to the contents of the first document, based on both the document location information about the first document and document location information about the fourth document (col. 9, lines 29-41, Mukai).

Regarding claim 21, all the limitations of this claim have been noted in the rejection of claim 10 above. In addition, Edlund/Mukai discloses: wherein if a fifth document is linked to by the second document and if a server address or a domain in each of the document location information about the second document indicating location in the network of the document and document location information about the fifth document is different from a server address or a domain in document location information about the first document, it is determined that the second document is not the non-text document related to the contents of the first document (col. 9, lines 29-41, Mukai).

Regarding claims 22, 32 and 43, all the limitations of these claims have been noted in the rejection of claims 1 and 10. It is therefore rejected as set forth above.

Regarding claim 23, all the limitations of this claim have been noted in the rejection of claim 22 above. In addition, Edlund/Mukai discloses: further comprising: determining that the document provides no service, if the document includes no tag designating user input (col. 8, lines 20-23, Mukai).

Regarding claim 24, all the limitations of this claim have been noted in the rejection of claim 22 above. In addition, Edlund/Mukai discloses: wherein the service type provided by the document is judged based on the description of a button included in the document (col. 8, lines 20-23, Mukai).

Regarding claim 25, all the limitations of this claim have been noted in the rejection of claim 22 above. In addition, Edlund/Mukai discloses: wherein the service type provided by the document is judged based on a user input area included in the document (col. 8, lines 34-39, Mukai).

Regarding claim 33, all the limitations of this claim have been noted in the rejection of claim 1. It is therefore rejected as set forth above. In addition, EdlundMukai discloses: collecting documents from the network (col. 1, lines 55-60, Edlund); retrieving the document meeting retrieval conditions from the collected documents, based on the retrieval conditions (col. col. 10, lines 16-42, Edlund); ranking the retrieved documents, based on the popularity degree (col. 10, lines 16 to col. 11, lines 8, Edlund); and outputting information about the retrieved documents, based on the ranking result (col. 10, lines 57 to col. 11, lines 8, Edlund).

Regarding claim 34, all the limitations of this claim have been noted in the rejection of claims 33 and 4 above. In addition, Edlund/Mukai discloses: adding information about the popularity transition degree to information about the retrieved documents (col. 52-64, Edlund).

Regarding claim 35, all the limitations of this claim have been noted in the rejection of claim 33. In addition, Edlund/Mukai discloses: further comprising: judging whether another document linked to by the document is a non-text document related to the contents of the document, based on the link relation (col. 8, lines 1-39, Mukai); and adding the information about the related non-text document to the information about the retrieved documents (col. 8, lines 1-39, Mukai).

Regarding claim 36, all the limitations of this claim have been noted in the rejection of claim 35. In addition, Edlund/Mukai discloses: further comprising: embedding the information about the related non-text document into the related non-text document (col. 8, lines 15-30, Mukai).

Regarding claim 37, all the limitations of this claim have been noted in the rejection of claims 33, 22 and 23. It is therefore rejected as set forth above.

Regarding claim 38, all the limitations of this claim have been noted in the rejection of claim 33. In addition, Edlund/Mukai discloses: receiving from a user registration of both document location information indicating location in the network of a specific document and a value (col. 9, lines 43-50, Edlund), ; notifying the user of the fact that a popularity degree has reached the value, when the popularity degree for the document specified by the document location information has reached the value (col. 9, lines 53-64, Edlund).

Regarding claim 39, all the limitations of this claim have been noted in the rejection of claims 1, 26 and 33. It is therefore rejected as set forth above.

Regarding claim 40, all the limitations of this claim have been noted in the rejection of claims 1, 5, 10, 23 and 33. It is therefore rejected as set forth above. In addition, Edlund/Mukai discloses: a sorting unit hierarchically sorting the collected documents for each area (col. 6, lines 51 to col. 7, lines 5, Edlund).

Regarding claim 54, all the limitations of this claim have been noted in the rejection of claims 33 and 38. It is therefore rejected as set forth above.

**4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edlund et al. (US 6546388) (Edlund)in view of Mukai (U.S 6446095) and further in view of Page (U.S 6285999).**

Regarding claim 18, all the limitations of this claim have been noted in the rejection of claim 10 above. However, Edlund/Mukai didn't disclose: not registering the second document in a database as the non-text document related to the contents of the first document, if the first document includes a third document with a file name similar to a file name of the second document and if the file name of the second document is ranked lower than the file name of the third document in a dictionary order. However, Page discloses: not registering the second document in a database as the non-text document related to the contents of the first document, if the first document includes a third document with a file name similar to a file name of the second document and if the file name of the second document is ranked lower than the file name of the third document in a dictionary order (col. 8, lines 21-48, Page). Thus, at the time invention was

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made, it would have been obvious to a person of ordinary skill in the art to include the second document in a database as the non-text document related to the contents of the first document, if the first document includes a third document with a file name similar to a file name of the second document and if the file name of the second document is ranked lower than the file name of the third document in a dictionary order in the system of Edlund/Mukai as taught by Page. The motivation being to provide the list of documents is sorted with high ranking documents first and low ranking documents last (col. 8, lines 21-48, Page).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**5. Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahić can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*Frantz Coby*  
**FRANTZ COBY**  
**PRIMARY EXAMINER**

Cindy Nguyen

December 10, 2004